

**Tower Investments, LLC**

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January 13, 2012 Statement

MDHA has decided to appeal the jury's verdict after the trial judge denied their motion for a new trial or to lower the amount of the verdict. The trial judge told MDHA that he agreed the evidence showed the jury got it right. We will vigorously defend our private property rights against government abuse of eminent domain. The 12 person jury heard the testimony by MDHA's appraiser and they rejected it. Instead the jury based their verdict upon the appraisal evidence provided by Tower. We believe that the trial judge did not commit any legal error and the appellate court will uphold the jury verdict.

The appeal process will result in significantly more legal costs and will add millions of dollars to the judgment amount in interest. Our \$30.4M verdict in July 2011 is accruing 10% annual interest. We are now owed over \$680,000 in interest, which is accruing by \$4,600 per day. An appeal by MDHA will put millions more at risk.

On appeal, Tower will have the right to ask the appellate court to reverse the taking because there was legal error on the taking of our land under the conflicted and now retired Judge Haynes. This would mean that Metro has moved forward with the construction of the convention center on our property with the potential risk of losing the property back to Tower as the rightful property owner. During a previous condemnation case MDHA, under this same executive director, was warned by the appellate court, that if they proceed with development on property taken by condemnation, before the condemnation process is complete, they do so at their own risk. The appellate court warned that private property is unique, therefore, if the taking is reversed, the property would go back to the owner even though the City constructed improvements on the property. This would result in Tower getting the 5.66 acres under the Music City Center back.

The Institute of Justice from Washington D.C. will join our legal defense and vigorously pursue changing the way in which cities in Tennessee condemn private property. They represented Ms. Joy Ford and fought Phil Ryan and his same legal team and won. We are confident they will be victorious in our case too.